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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,472	02/22/2002	Akito Yoshida	W2K 1077	4326
23504	7590	04/05/2005	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			ZARNEKE, DAVID A	
			ART UNIT	PAPER NUMBER
			2891	
DATE MAILED: 04/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/082,472

Applicant(s)

YOSHIDA, AKITO

Examiner

David A. Zarneke

Art Unit

2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12,21-26,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-12,21-26,29 and 30 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

The reply filed on 3/24/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the claims remaining in the application are drawn to a non-elected species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Currently presented claims 1-12, 21-26, 29 and 30 are directed to an invention that is a species of the previously examined claims for the following reasons.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-12, 21-26, 29 and 30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

As noted previously, the currently presented claims are drawn to a species different from the previously examined claims. The previously examined claims are drawn to a die coupled to the substrate via the metal layers wherein the flap portions are coupled to the upper surface of the die; while the currently presented claims are

drawn to a die wire-bonded and encapsulated to the metal layers wherein the flap portions are coupled to the upper surface of the encapsulant.

These are different because the wire bonds are of the currently presented claims change the nature of the connection of the folded flaps. Now the flaps connect to the encapsulant while in the previously examined claims the flaps connect to the upper surface of the semiconductor device.

In the response filed 3/24/05, applicant elected species 2. This is improper because these claims are still directed to another species.

In order for a response to this action to be proper, the previously examined claims must be the only claims present. Meaning that the currently present claims must be canceled and the previously examined claims must be presented again.

In traversing the species requirement, applicant argues that neither a reason for restriction nor a difference in classification was alleged by the examiner.

The examiner asserts that in a species requirement, this information is not required because species are between independent inventions, not distinct inventions (MPEP 806.04).

It is further argued that the examiner must avoid piecemeal examination and must prove a serious burden.

The examiner asserts that these arguments are not pertinent to this situation. Species requirements do not require proof of serious burden. Also, the piecemeal examination cite does not apply to restrictions. Further, applicant is reminded that the basis of restriction practice is to limit the application to one invention. As detailed

above, it is the examiner's opinion that the currently presented claims are directed to an invention different from the one previously examined.

Lastly, applicant states that the RCE filed entitles applicant to an examination of the claims on the merits.

The examiner asserts that the basis of restriction practice is to limit the application to one invention. As detailed above, it is the examiner's opinion that the presently presented claims are directed to an invention different from the one previously examined. The mere filing of an RCE does not eliminate the Office's right to restrict the application to one invention.

### ***Conclusion***

Therefore, as noted above, there currently are no claims present in this application. An election of species 2 is not a permitted response because species 2 is a claim set different from the examined claim set. The examiner has alleged that the present claims are subject to withdrawal based upon original presentation (MPEP § 821.03).

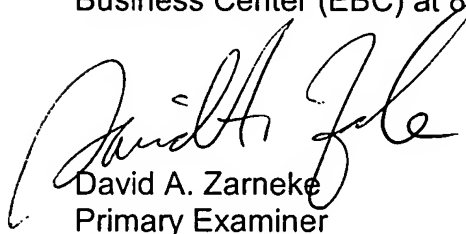
This application contains claims 1-12, 21-26, 29 and 30 drawn to an invention nonelected with traverse. A complete reply must include cancellation of nonelected claims and presentation of the previously examined claims (37 CFR 1.144) See MPEP § 821.01.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Zarneke whose telephone number is (571)-272-1937. The examiner can normally be reached on M-Th 7:30 AM-6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Baumeister can be reached on (571)-272-1712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David A. Zarneke  
Primary Examiner  
April 4, 2005